

Open Government



A Municipal Guide to Open Meetings & Open Records®

Texas State University
Certified Public Managers
Program

BOJORQUEZ
LAW FIRM, PC

6 Points to Remember

1. Assume all Data is "Public" & "Open"
2. Beware of Email
3. Think Before You Create
4. Know City Policy
5. Assume Gatherings are "Meetings"
6. Beware of Email



Open Records

- Public Information Act
- All Formats
- Info Created By or For the City
- Info Given to the City for Business
- Beware of Email
- Drafts / Internal
- Personal v. Official



Open Records

- City Policy
- Form of Requests for Information
- Requestor's Motives Irrelevant
- Clarification/Narrowing
- Signage



Open Records

- Uniform Responses
- Timing
- Charges
- Deposits
- Formats
- Repetitious Requests
- Paper Harassment



Open Records

- A.G. Opinions
- Appeals
- Notification to Requestor
- Previous Determinations
- Disclosures



Open Records

Exceptions to Disclosure:

- Security Measures
- Juveniles / Victim / Medical
- Privileged / Confidential
- 3rd Party Financial Data / Trade Secrets
- Agency Memorandum
- Audit / Management



Open Records

- Presumption If Don't Seek A.G. Opinion
- Civil & Criminal Penalties
- Think Before You Create
- Guard Privileged / Confidential Data



Open Meetings

- Open Meetings Act
- Location
- Quorum & Subcommittees
- Social Gatherings & Conferences
- Advisory Boards
- Staff Meetings
- Action Without Meetings
- Email & Text Messages
- Lobbying



Open Meetings

- Executive Sessions:
 - Atty, Personnel, Eco D, Security, Real Estate, Gifts
- Joint Meetings
 - e.g., P&Z, LCRA
- Ratification- 2nd Try
- Excluding Certain Persons
- Information from Executive Session



Open Meetings

- Agendas – Who, What, Where, When
- Time & Accessibility- 72 hrs
- Specificity- Reasonable Person
- Notice of Executive Sessions
- Reports/Council Comments
- Emergency Meetings- 2 hrs
- Website Notice
- Recess- Next Day
- Videoconference
- Chatroom



Open Meetings

- Minutes- Transcript Not Required
- Retention-2 to 5 Years
- Individual Notes & Recordings
- Violations- Civil & Criminal Penalties



Other Meeting Topics

- Agenda Preparation
- Establishing a Quorum
- Frequency of Meetings
- Regulating Public Comment
- Procedural Rules
- Records Retention
- Disrupting Meetings / Disorderly Conduct
- Topic-Specific Notice & Hearing Rules



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Conclusion

- TML.org
- OAG.state.tx.us
- TexasMunicipalLawyers.com



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A supplemental paper to this course may be downloaded from the following url:
<http://www.texasmunicipallawyers.com/events/detail/open-meetings-open-records-training>
